



**CITY OF SUNNYVALE  
REPORT  
Administrative Hearing**

**October 27, 2004**

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**SUBJECT:**           **2004-0755:** Application for a property located at **767 Lakebird Avenue** in an R-0 (Low-Density Residential) Zoning District. (APN: 110-20-047):

Motion               **Variance** from Sunnyvale Municipal Code (SMC) Section 19.34.030 on a 5,940 square foot site to allow a 10.5 foot combined side-yard setback where 12 feet is required.

**REPORT IN BRIEF**

**Existing Site**           Single-Family Residential

**Conditions**

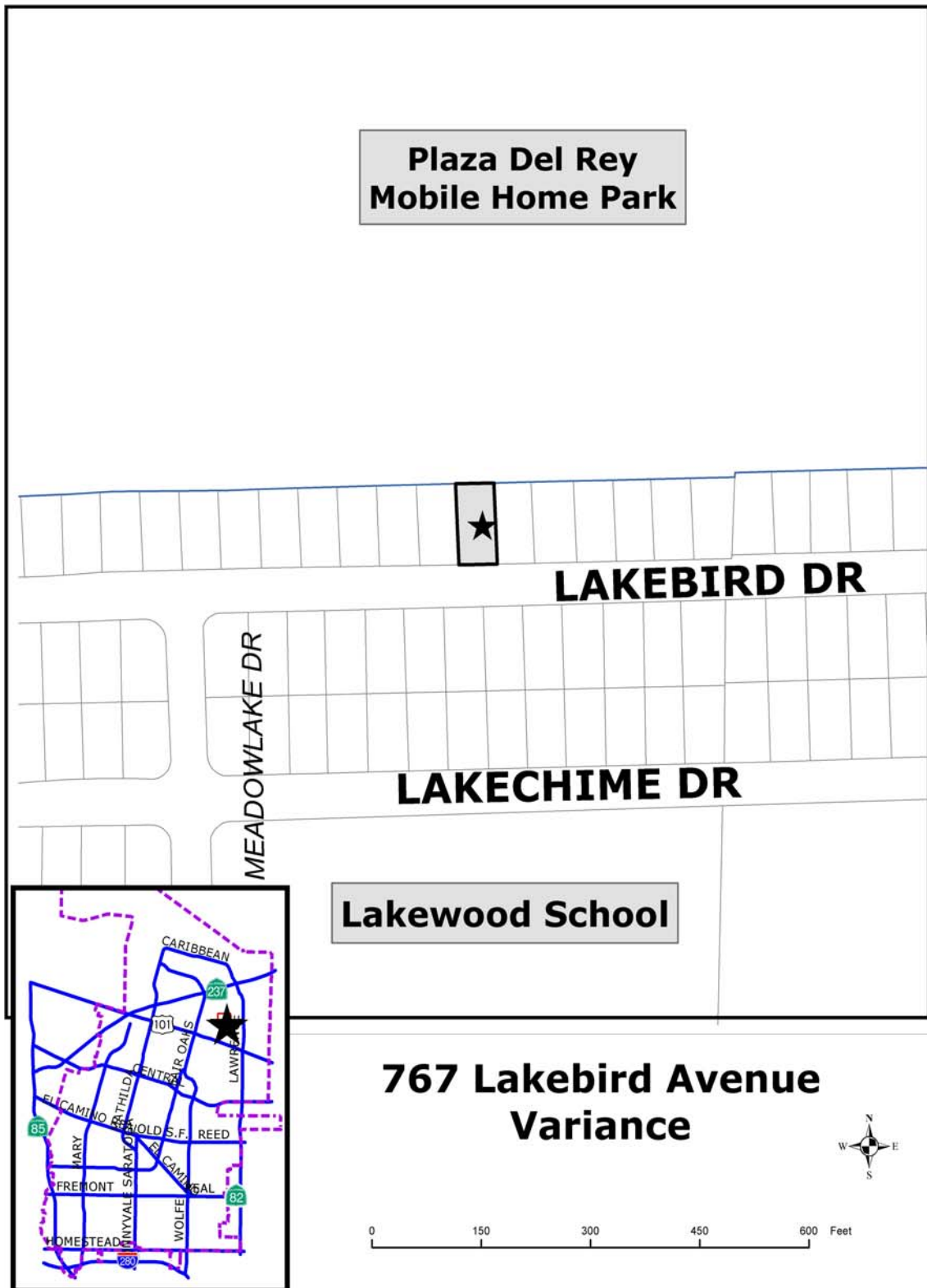
**Surrounding Land Uses**

North	Single-Family Residential
South	Single-Family Residential
East	Single-Family Residential
West	Single-Family Residential

**Issues**               Total Side Yard Setback

**Environmental Status**       A Class 5 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

**Staff Recommendation**       Deny variance



**PROJECT DATA TABLE**

	<b>EXISTING</b>	<b>PROPOSED</b>	<b>REQUIRED/ PERMITTED</b>
<b>General Plan</b>	Residential Low Density	Same	---
<b>Zoning District</b>	R-O	Same	---
<b>Lot Size (s.f.)</b>	5,940	Same	6,000 min.
<b>Gross Floor Area (s.f.)</b>	1,472	1,871 (368 add.)	No limit
<b>Lot Coverage (%)</b>	27 %	31 %	45 % max.
<b>Floor Area Ratio (FAR)</b>	24.8 %	33.5 %	45 % w/o PC approval
<b>No. of Buildings On-Site</b>	1	1	---
<b>Building Height (ft.)</b>	15	Same	30 max.
<b>No. of Stories</b>	1	1	2 max.
<b>Setbacks (facing prop.)</b>			
• <b>Front</b>	20	20	20 min.
• <b>Left Side</b>	5'3"	Same	4 min. (12 total min.)
• <b>Right Side</b>	5'6"	Same	4 min. (12 total min.)
• <b>Rear</b>	28	Same	20 min.
<b>Parking</b>			
• <b>Total No. of Spaces</b>	4	Same	4 min.
• <b>No. of Covered Spaces</b>	2	Same	2 min.

**ANALYSIS****Background**

The home was originally constructed circa 1957 and has had no other permits or changes to the site processed by the city.

**Description of Proposed Project**

The applicant has proposed a one-story addition in the rear of the home that aligns with the current nonconforming building line of the garage along the west (left) side yard. The proposed addition is deficient in required setback by 1 ¼ feet from the total side yard requirement of 12 feet. However, the proposal does meet the minimum side yard setback requirement for a one side of a home. The addition triggers a staff level design review in addition to the variance request.

**Environmental Review**

A Class 5 Categorical Exemption relieves this project from California Environmental Quality Act provisions. Class 5 Categorical Exemptions include minor alterations in land use limitations, including setback variances.

**Variance**

**Use:** The applicant has proposed an addition in the rear of the home to expand the family room and dining room areas with a 1.25-foot encroachment into the required total side yard setback.

**Site Layout:** The rectangular site is typical for the Lakebird area with 54 feet of width and 110 feet of depth. All lots along the linear portion of Lakebird and Lakechime are the same dimensions as the subject site. The R-0 zoning standards for lot width is 57 feet. The subject site's dimension is then nonconforming, but not irregular.

**Architecture:** The existing house is a one-story ranch style home built in the late 1950s. The addition is proposed to match the existing roof pitch, colors and materials.

**Compliance with Development Standards**

Other than the variance request for a 10.75-foot total side yard setback rather than the required 12-foot setback, no other deviations are present in the application. The existing total side yard setback of the home is considered legal nonconforming. The proposed addition extends along this existing building line exacerbating and expanding the area of nonconformity.

**Expected Impact on the Surroundings**

The proposed project is expected to result in no notable impact to the surrounding properties.

**Findings, General Plan Goals and Conditions of Approval**

Staff was not able to make the required Findings based on the justifications for the Variance, but has recommended that the design review be approved with the condition that the addition meet the 12-foot total side yard setback requirement, thereby reducing the width of the addition by 1-foot 3 inches.

Staff has not been able to make the first finding for the subject site in terms of its exceptional situation of use or lot or the third finding that the addition meets the intent of the ordinance. The expansion of the single family home is not a unique use and although the lot itself is 3 feet short of the minimum width standard for a new R-0 lot, it is identical in configuration to the lots along the street and similarly situated to those in the neighborhood. The applicant offers that an addition in other areas of the house is not desirable or practical. Staff finds that reducing the size of the addition where it is proposed will maintain the usability of the addition and comply with the zoning standard for total side yard setback.

Suggested Conditions of Approval are located in Attachment 2.

- Findings and General Plan Goals are located in Attachment 1.

**Fiscal Impact**

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No fiscal impacts other than normal fees and taxes are expected.

**Public Contact**

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<b>Notice of Public Hearing</b>	<b>Staff Report</b>	<b>Agenda</b>
<ul style="list-style-type: none"><li>• Posted on the site</li><li>• 10 notices mailed to the adjacent property owners and residents of the project site</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City of Sunnyvale's Website</li><li>• Provided at the Reference Section of the City of Sunnyvale's Public Library</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City's official notice bulletin board</li><li>• City of Sunnyvale's Website</li><li>• Recorded for SunDial</li></ul>

**Alternatives**

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1. Deny the variance and approve the design review with conditions.
2. Approve the Variance with attached conditions.
3. Approve the Variance with modified conditions.

**Recommendation**

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Alternative 1.

Prepared by:

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Kelly Diekmann  
Project Planner

Reviewed by:

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Diana O'Dell  
Senior Planner

Attachments:

1. Recommended Findings
2. Recommended Conditions of Approval
3. Site and Architectural Plans
4. Justifications from the Applicant

**Recommended Findings - Variance**

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1. Because of exceptional or extraordinary circumstances or conditions applicable to the property, or use, including size, shape, topography, location or surroundings, the strict application of the ordinance is found to deprive the property owner or privileges enjoyed by other properties in the vicinity and within the same zoning district. This Finding is not made. While staff understands the applicant's justification that alternative locations do not suit their plans, there are no extraordinary attributes attached to the site or use to not strictly apply the zoning standard. The addition can be reduced in size and maintain its usability while complying with the total side yard setback requirement.
2. The granting of the Variance will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the same zoning district. This Finding is made. The addition would allow the applicant to maintain a one-story home in a predominately single-story neighborhood and is in compliance with the minimum setback requirement. The proposed addition is not expected to impact on the privacy of the neighboring property.
3. Upon granting of the Variance, the intent and purpose of the ordinance will still be served and the recipient of the Variance will not be granted special privileges not enjoyed by other surrounding property owners within the same zoning district. This Finding cannot be made. The intent of the ordinance is to provide for safety of access to all areas of the house, separation from adjoining uses and structures, and general welfare of visual relief between buildings for open space. Although the minimum distance to ensure access is provided by the addition the intent of the ordinance for visual relief and open space is not met with the expansion of the nonconforming setback line.

**Recommended Conditions of Approval – Design Review**

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Staff recommends the following Conditions of Approval for the design review approval.

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. The design review is valid for one year from the date of approval.
2. Project shall be in substantial conformance to the approved plans. Minor changes may be approved by the Director of Community Development; major changes shall be subject to the approval at a public administrative hearing.
3. Obtain a building permit prior to development of the site.
4. The proposed addition shall comply with all setback requirements, including but not limited to a 12-foot total side yard setback.
5. The addition shall match the existing home's color, materials, roof pitch, and window style.





**RITCHIE'S RESIDENCE**  
FAMILY ROOM ADDITION

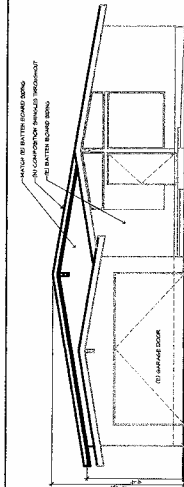
767 LAKEBIRD DRIVE  
SUNNYVALE, CA 94089

REVISIONS
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VARIANCE APPLICATION

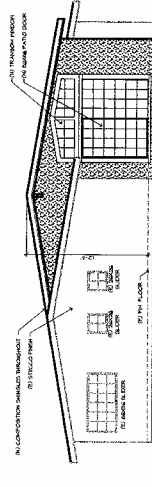
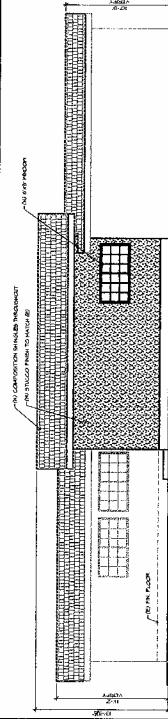
DATE	9/09/2006
BY	AD SHOWN
APP	FPL
REV	0157

## SALON LEFTHS

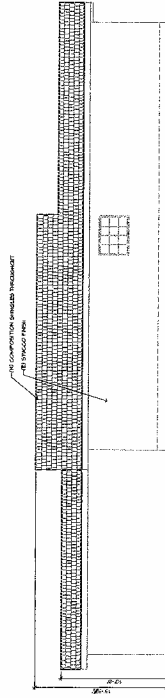
1. ALL EXTERIOR MATERIALS AND FINISHES TO MATCH EXISTING
2. PROVIDE ACCESS AND VENTILATION OPENINGS AT ATTIC SPACE FOR THE ADDITION TOTAL VENTILATION OPENINGS TO BE NOT LESS THAN 1% OF THE AREA OF THE SPACE TO BE VENTILATED. ACCESS OPENINGS SHALL BE 24" X 60" MIN.
3. (E) TIE & RAFTER ROOF TO BE REMOVED INSTALL 1/2" CDX



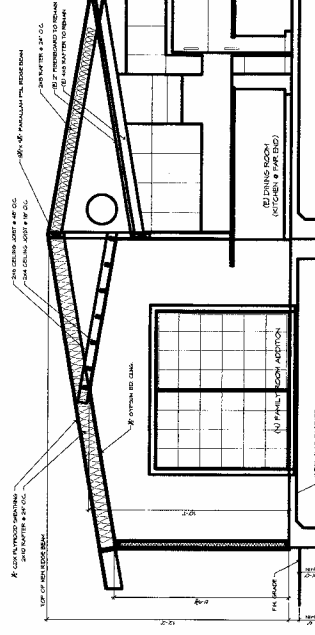
FRONT ELEVATION  
1/4" = 1'-0"

REAR ELEVATION  
1/4" = 1'-0"

LEFT SIDE ELEVATION



RIGHT SIDE ELEVATION [



CROSS SECTION 6

## VARIANCE JUSTIFICATIONS

Page 1 of 1

Justifications must be submitted by the applicant with all Variance applications. Use this sheet or a separate sheet of paper to complete all of the three statements below.

In granting a Variance, all of the following justifications must be made by the Planning Commission or the Administrative Hearing Officer:

19.84.050. Findings.

(a) A Variance from the requirements of this title, except for the height of a ground sign, shall be approved only upon a showing by the applicant that:

1. Because of exceptional or extraordinary circumstances or conditions applicable to the property, or use, including size, shape, topography, location or surroundings, the strict application of the ordinance is found to deprive the property owner of privileges enjoyed by other properties in the vicinity and within the same zoning district.

We cannot add a room to the front  
back or side (1).

2. The granting of the Variance will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the same zoning district.

We are extending the existing wall  
with the existing set back.

3. Upon granting of the Variance the intent and purpose of the ordinance will still be served and the recipient of the Variance will not be granted special privileges not enjoyed by other surrounding property owners within the same zoning district.

a) There are several additions in the  
neighbor hood that have done the  
same.

b) There are several original buildings (Houses)  
with same set back and distance ~~set~~ along property line.

If you need assistance in answering any of these justifications, contact the Planning Division staff at the One Stop Permit Center.